CHAPTER – IV

CRIMES AGAINST PERSONS

In this chapter Crimes against Persons from biblical perspective are dealt with. They are as follows: 1. Murder and penalty there on; 2. Manslaughter and accompanying penalty; 3. Assault and penalty; 4. Kidnapping and penalty; and 5. Slander and accompanying penalty. Support is taken from scriptural data of the Bible and articles written by outstanding bible scholars and published by standard interpretative commentaries. Modern version of the laws relating to crimes against persons legislated by some modern states is stated for a synoptic comparative view. Towards the end chapter-wise conclusion is recorded.

In the biblical view human life is invaluable. The typical crimes against human persons within the scope of the present research include Murder, Manslaughter, Assault, Kidnapping and Slander. A critical study of these crimes against persons based on biblical text references and views expressed by great bible scholars is as follows:

1. MURDER – PENALTY¹

   J. Poucher² in his scholarly article contributed for “A Dictionary of the Bible’ edited by James Hastings under the caption Crimes and Punishments writes as follows:

   Murder, according to the divine word, is a crime against which all nature revolts (Genesis 4¹⁰, 2³, 2⁴). The sanctity of human life is founded on the fact that man was made in the image of God (Genesis 9⁶). Murder may

¹ Exodus 20:13; Genesis 9:6; Exodus 21:12
² J. Poucher, 'A Dictionary of the Bible – Vol. I, Charles Scribner’s Sons (1911) 522
be instigated by hatred (Numbers 35:20-21); or by thirst for blood, prompted by premeditated design (Deuteronomy 19:11); or accompanied by deceitful stratagem (Exodus 21:14). Assassination is an aggravated form in which life is destroyed by surprise or unexpected assault and treacherous violence (2 Samuel 4:5-6), and the following instances occur: Eglon, Judges 3:20-22; Ishboseth, 2 Samuel 4:5-6; Nadab, 1 Kings 15:27-28; Sennacherib, 2 Kings 19:37, 2 Chronicles 32:21; Gedaliah, Jeremiah 41:2. In the time of Felix and Festus there appeared a fanatical faction of Jewish patriots known as Sicarii, armed with daggers, siccae, who, fitting about unobserved among the crowds during festival seasons, removed opponents by assassination, and then feigned deep sorrow to avert suspicion. There is no mention of parricide and infanticide in the Mosaic code, as if these crimes were not known to exist or be possible. In Egypt the parent was doomed to embrace the corpse of the child for three days; and while the Koran condemned prenatal murder as well, E.H. Palmer states in a note to Koran vi. 137, that female children were buried alive in Arabia. The following cases of suicide appear: Saul and his armour-bearer, 1 Samuel 31:4-5; Ahithophel, 2 Samuel 17:23; Zimri, 1 Kings 16:18; Judas Iscariot, Matthew 27:5; also Ptolemy Macron, 2 Malachi 10:13; and Razis, 2 Malachi 14:41-46. It could be treated as a crime by the Jews (Josephus. Wars, 111. viii.5), but there is no mention of penalty in the scriptures. Murder in all its forms is forbidden in Exodus 20:13, Deuteronomy 5:17. No sanctuary was to be allowed to the criminal (Exodus 21:12, Leviticus 24:17, Numbers 35:16, Deuteronomy 19:1-13, 1 Kings 2:28-34). In poetic thought the voice of blood shed cried for vengeance until the murderer was punished (Genesis 4:10). A woe is pronounced on the city that is regarded as guilty
(Ezekiel 24:6-8); and when unsuccessful, after the most diligent efforts, in
detecting the criminal (Josephus. Antiq. IV. viii. 16), it must by an
elaborate and impressive ceremony exonerate itself (Deuteronomy 21:1-9).
So sacred was the regard for human life, that the owner of an ox known to be
vicious and causing death was held guilty of a capital crime, and the ox was
stoned (Exodus 21:29). In Egypt, he who witnessed a murderer without giving
information of it was considered particeps criminis.

Black’s Law Dictionary defines MURDER as “the killing of a human
being with malice aforethought.” It contains an extract from ‘A Concise
History of the Common Law’ by Theodore F.T. Plucknett. It narrates the
history of the word. It is this: “The word ‘murder’ has had a devious history.
Its original sense is the particularly heinous crime of secret slaying. After the
conquest it was observed that Normans were frequently found dead under
mysterious circumstances, and so William I enacted that if anyone were found
slain and the slayer were not caught, then the hundred should pay a fine; this
fine is murdrum. The practice soon grew up to taking inquests and if it were
presented that the dead man was English, then the time was not due. In 1267
it was enacted that accidental deaths should not give rise to murdrum, and
finally in 1340 presentment of Englishry and murdrum were abolished.
Henceforth the word slowly tends to get linked up with ‘malice aforethought’
and so we get the classical formulae describing the crime of murder.”

‘Harag’ is the Hebrew word which means ‘to kill’ or ‘to slay’. ‘Phonos’
is the Greek word for ‘murder’. Text references for Murder and Penalty are
Exodus 20:13 and Genesis 9:6; and Exodus 21:12 respectively.

Murder:

Exodus 20:13. “Thou shalt not kill”. The Hebrew text of the Sixth Commandment is – you shall not kill. This commandment of the Decalogue is concerned with the protection of human life within the community of Israel, against destruction by fellow Israelites. The verb is not limited to murder in the criminal sense and may be used of unpremeditated killing.\(^1\)

It forbids all killing not explicitly authorised. This means that in Israeliite society it did not forbid the slaying of animals, capital punishment, or the killing of enemies in war. It had no direct bearing, either on suicide.\(^2\)

Killing another man will probably never become completely taboo to the human race, but growing understanding begins to bring home to us the fact that retail or mass murder never accomplishes anything except to work off the irritation of fury to the moment. It has been said that the trouble with all punishments is that people like to give them. If one were to appraise the success of the Ten Commandments to attaining their object since their promulgation, perhaps this one has been the most successful of all. The respect for human life has definitely grown. It is harder to pass off murder under a respectable name than any other of the forbidden acts.\(^3\)

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\(^1\) Deuteronomy 4:42  
\(^2\) J. Coert Rylaarsdam, The Interpreter’s Bible Abingdon Press, New York (1952) 986  
Penalty – Text references

**Genesis 9:6.** Whoso sheddeth man’s blood, by man shall his blood be shed: for in the image of God made he man.

**Exodus 21:12.** He that smiteth a man, so that he die, shall be surely put to death.

Murder is a capital offense. The murderer must die; this is the basic law in terms of which all variations and exceptions must be justified. Its principle is the **lex tationis.** This same principle underlies the Code of Hammurabi, in which the first paragraph implies the death penalty for murder.¹

In Israel stoning was the usual method, though other forms of capital punishment are mentioned. The sentence was carried out by “the avengers of blood,” the kinsfolk of the victim. Murder or accidental homicide are the only two types of killing treated. The idea that a murderer must forfeit his own life is one of the oldest convictions of human race. The elders of the town or village where the murderer lived must investigate the crime. The idea of criminal solidarity exemplified in **Exodus 20:5** made it necessary for the town to clear itself of guilt by convicting and executing the offender. This conception is capable of modern applications to the criminal actions of “the kids of Dead End,” the slum dwellers to whom the community has never given a chance of decent living. In the earliest times the execution of the murderer was a peace offering made to the restless unsatisfied shroud of the dead man. This idea still underlies popular conceptions of capital punishment. “Something must be done to make it right.” ‘We owe it to our dead friend to

¹ J. Coert Rylaarsdam, The Interpreter’s Bible Abingdon Press, New York (1952) 996, 997
kill his murderer.” However, the ill effects of capital punishment upon those who carry it out and upon the community at large seem to many in modern times to outweigh the satisfaction felt by many people that the criminal has got his due, and thus the public is safeguarded from his further crimes. There are those who hold that capital punishment will fade out of human folkways progressively as communities become unwilling to do the deed and other ways of reforming the criminal are perfected.

**Moshe Greenberg.** Professor of biblical Studies, University of Pennsylvania contributed a scholarly and illuminating article entitled – ‘crimes and Punishments’ for ‘The Interpreter’s Dictionary of the Bible’. He writes thus on the Crime of Murder.

**Crime of Murder:** When a homicide was committed personally and with intent to harm, the killer was a murderer and must be put to death. Intent was presumed if (a) the killer lay in wait; (b) there was enmity between the parties; (c) a murderous implement was used.

The murderer was not permitted to ransom his life of a murderer who is guilty of death; but he shall be put to death....; for blood pollutes the land, for the blood that is shed in it, except by the blood of him who shed it.” This prohibition of composition for murder is unparalleled among the laws of the ancient Near East; it is the legal expression of the sanctity of human life expressed in **Genesis 9:6.** That capital punishment is a paradoxical consequence of this view was recognized by later jurists, and believed by them

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3 Exodus 21:13; Numbers 35:20, 22; Deuteronomy 19:11
4 Numbers 35:20-21; Deuteronomy 19:11
5 Numbers 35:16-18
6 Numbers 35:31-33
to have been sensed already by **Deuteronomy 19:13:** “lest you think, ‘since one man has already died why should we be guilty of another’s death?’ Scripture says, ‘your eye shall not pity him’.

It was the privilege of the redeemer of blood to slay the murderer\(^1\), but if he did not, others appear to have had the right to do so, to cleanse the land of evil\(^2\).

Homicide resulting from an act committed with a purpose to harm is not distinguished from murder: death caused by a blow struck in a sudden heat of passion; death of a pregnant woman who miscarried after having been struck by fighting men; death of a slave under the rod\(^3\). The last law is unparalleled for its interest in the slave as human being rather than chattel: because he has no kin to avenge him – a foreign slave is intended – the law demands that he “be avenged” by Israelite justice. To this extent only does the law take the slave’s status into account: since the owner of the salve is privileged to beat him (he is “his money”), death ensuing a day or two after the beating is not punishable.

**James L. Grenshaw**, Professor of Old Testament, Duke University, Durham, North Carolina in his short article on MURDER for the oxford Companion of the Bible clearly and scholarly exposes thus\(^4\): The Ten Commandments prohibit murder categorically\(^5\) and without exception. Nevertheless, in Israel’s day-to-day existence distinctions were made, and killing was held to be justified in at least two situations, warfare and execution for capital offenses. The first of these was fortified by the conviction that

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\(^1\) Numbers 35:19; Deuteronomy 19:12  
\(^2\) 2 Samuel 4:11  
\(^3\) Exodus 21:20  
\(^5\) Exodus 20:13; Deuteronomy 5:17
Israelites engaged in holy wars, with Yahweh as their commander-in-chief. In these circumstances compassion had no place, particularly when the enemy was placed under herem (the ban). Saul’s sparing of the Amalekite King Agag, whatever its motive, was deemed an act of disobedience, and the prophet Samuel carried out Yahweh’s execution of Agag. Israel’s recorders of sacred history did not balk at depicting Yahweh as sanctioning, even ordering, and such action. Elijah’s slaughter of competing prophets raised no objections that were rooted in the Ten Commandments. The same leniency occurred with respect to cases of capital punishment. In fact the blessing of Noah actually contains a stipulation that murderer are to be executed.

The practical implementation of this sentence resulted in elaborate rituals and numerous distinctions. Premeditated violence differed from an act in the heat of anger or from accidental injury. From early times an institution, the avenger of blood assured vindication within each family. The next of kin assumed responsibility for avenging a death, and society sanctioned this means of obtaining revenge for grievous wrong. In time, ransom of the guilty person’s life introduced the principle of monetary compensation for the loss.

In cases of accidental homicide, provision was made for the establishment of cities of refuge, thus enabling society to combine revenge and mercy. Persons who accidentally caused a death or who killed another person in a fit of anger could flee to a city of refuge and, after satisfactorily convincing officials that asylum was appropriate, entered the city and remained there until the thigh priest’s death; thereafter the individual could return home.

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1 Samuel 15:33
2 1 Kings 18:40
3 Genesis 9:6
4 Numbers 35:9-34
without harm. Of course, these institutions of a redeemer and of cities of refuge sometimes failed, for not everyone respected the laws governing both.

In cases in which a murder occurred but the murderer was not known, the nearest town had a special ritual by which the people were exonerated of collective guilt\(^1\). The problem of adjudicating responsibility for murder was no simple matter. If an owner of a dangerous ox had been warned because of its habitual going but failed to keep the ox under control so that it killed someone, the owner was held responsible for the death\(^2\). Similarly, if two persons fought and one was injured but was later able to get up and walk around, the offender could go free even though death occurred a short time later\(^3\). Owners of slaves were not culpable if they beat them to death, provided that a day or so lapsed between beating and death\(^4\). Moreover, a person who killed a thief in the night was not held responsible for the action\(^5\).

The older institution of blood revenge gradually disappeared. By Ezra’s time officials of the state handled such matters. The Romans seem to have restricted Jewish authority in case of capital punishment, and by insisting that the murderer had to be warned immediately before the crime, the rabbis made it virtually impossible to take human life. Jesus broadened the prohibition of murder to include anger\(^6\).

Professor **Thomas Wood**, St. David’s College, Lampeter, Wales distinguishes between homicide that is accidental, culpable, and justifiable as follows\(^7\):

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\(^1\) Deuteronomy 21:1-9  
\(^2\) Exodus 21:29  
\(^3\) Exodus 21:18  
\(^4\) Exodus 21:20-21  
\(^5\) Exodus 22:2  
\(^6\) Matthew 5:21-22  
1. **Accidental:** it is not difficult to think of situations in which a person has been killed as a result of actions which have been in no sense willed either by the dead man or by others. A mountaineer might slip and knock a colleague who falls to his death as the rope snaps which links him with his companions. Let it be assumed that he and his friends were fit and qualified to make the climb, and that there had been no negligence when checking the serviceableness of the climbing gear. It is evident that in this and all comparable instances neither the victim nor his associates are blameworthy.

2. **Culpable:** A man's right to life is conferred upon him not by other men but by God the Lord and giver of all life. A man's life is his to use but God remains the absolute owner of it and man is answerable to him for the use he makes of it. Since it does not belong to man absolutely, it is not within the moral competence of any man deliberately to destroy it. Thus it is never permissible to make any deliberate attack upon the life of oneself or of another person (even at his invitation), whether such an attack be the immediate effect or the inevitable, foreseen and directly intended consequence of one's action (or inaction). When such an attack is made and death ensues, it is an instance of culpable homicide. This is the act of murder to which the Sixth Commandment refers. Examples of culpable homicide include the directly induced abortion of a human foetus, compulsory and voluntary euthanasia, infanticide, and suicide (‘self-murder’). In any particular case the degree of culpability will
depend upon all the circumstances in which the act was committed, including the mental condition of the offender.

3. Justifiable: It has been claimed that in no circumstances can an action be justified which involves the taking of human life. The right to life implies the right to defend one's own life or the life of another person against an unjust attack. Since the defence can only be effective if it is in proportion to the violence of the unjust attack, it is possible that in the act of defending himself (or another) the victim may kill his assailant. Assuming that any appeal to public justice was at that time out of the question, the defendant acted justifiably and was in no sense guilty of homicide. His purpose was not to kill his adversary but only to preserve his own life against an unjust attack. It would be an act of culpable homicide only if the victim could have been adequately defended without causing the assailant's death. It is by this same principle of self defence against unjust aggression that capital punishment and killing in war may be justified. Under God the state is responsible for the maintenance of law and order and the protection of its citizens as a whole. This implies the right to adopt the extreme measure of the capital punishment of particular offenders when the State cannot otherwise fulfill its general duty of defiance. When, however, the state finds it no longer necessary to exercise this right it cannot justly continue to do so and it should revise its criminal code accordingly. At any given period opinions may differ about the correct interpretation of the available relevant information; but many countries have already
concluded that with them capital punishment can safely be abolished. The State is also responsible under God for the protection of the lives and property of its citizens against unjust attack from without. The fulfillment of this duty may involve the extreme measure of resorting to war. Thus in a just war (which is, by definition, essentially a ‘defensive’ war) a soldier cannot be accused of culpable homicide when the taking of an enemy’s life becomes an unavoidable act in the performance of his military duty. Whether in a particular instance a country may truly be said to be engaged in a just war is another question; and it is a matter of present debate whether the defending country could continue to claim that it was engaged in an otherwise just war the moment it resorted to the use of nuclear bombs which are by their nature weapons of indiscriminate destruction.

The wording in **Exodus** reflects conditions when the Israelites lived as nomadic herders without real estate\(^1\).\(^2\) The commandment which forbids killing has relevance for today as great as it had for the day on which it was first spoken\(^3\). The Book of the Covenant presents sterner legislation for deliberate homicide than do other Near Eastern Codes. The Code of Hammurabi treats solely – in the matter of homicide – of a wife who murders her husband; she must be impaled; it says nothing about other cases of homicide. In the Old Testament, however, the sacredness of life could be safeguarded only by destroying the life of the murderer.\(^4\)

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\(^1\) Genesis 12:5, 16; 26:14; Numbers 16:30, 32; Deuteronomy 11:6  
\(^3\) William Barclay, The Plain Man’s Guide to Ethics, Collins Fount Paperbacks (1986) 93  
2. MANSLAUGHTER – PENALTY

Black’s Law Dictionary defines MANSLAUGHTER as “the unlawful killing of a human being without malice aforethought”. It is also termed as culpable homicide.

Biblical Text references are extracted hereunder:

Exodus 21:12-14. He that smiteth a man, so that he die, shall be surely put death.

13. And if a man lie not in wait, but God deliver him into his hand; then I will appoint thee a place whither he shall flee.

14. But if a man come presumptuously upon his neighbour, to slay him with guile; Thou shalt take him from mine altar that he may die.

Dake’s marginal notes are illuminated by clear and scholarly exposition. ‘Smiteth’ means smiting a man in anger, malice, jealousy, hatred, or a desire for vengeance. This does not prohibit smiting to death in executing justice for crimes punishable by death, nor does it forbid smiting men in wartime battle, for these two acts were commanded by God.

If a man did not plot or attempt to kill another, but did so accidentally then he was allowed to flee to the city of refuge. According to ancient custom the nearest of kin could avenge his brother if he was slain. Such a kinsman was called the avenger of blood. In the city of refuge one who had slain a man

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1 Exodus 21:12-14; Numbers 35:11, 22-28; Joshua 20:3-6
4 Numbers 35:12; Deuteronomy 19:6, 12; Joshua 20:3-9
accidentally could live in safety until the case could come before the judges to be settled by them.\(^1\)

The expression ‘God deliver’ occurring in verse 13 means that God permitted a certain thing to be done. ‘I will appoint...a place whither he shall flee’ – refers to the cities of refuge provided by law.\(^2\) If a man deliberately killed another through guile a stratagem he incurred the death penalty. Before the cities of refuge were chosen, and even afterward, the altar of God was a place of refuge. \(1\) Kings 1:50-53; 2:28-29 are the text references which are extracted here:

\(1\) Kings 1:50-53. “…Adonijah himself was so fearful of Solomon that he too arose and went and took hold of the horns of the altar (the horns were the most sacred part of the altar). Solomon then received this report: “Look, Adonijah is so fearful of King Solomon that he has taken hold of the horns of the altar, saying, ‘let King Solomon swear now that he will not kill his servant with the sword.

Solomon replied, “if he proves worthy, not one of his hairs shall fall to the ground; but if evil be found in him, he shall die.” So King Solomon sent and brought him down form the altar. When he came, he did homage to King Solomon. King Solomon said to him, Go home.”\(^3\)

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\(^1\) Numbers 35; Deuteronomy 4:41-49; 19:1-13
\(^2\) Numbers 35; Deuteronomy 19
\(^3\) 1 Kings 1:50-53
(The New Berkeley version).

1 Kings 2:28-29. “When the report reached Joab – for Joab had supported Adonijah, though he had not supported Absalom – Joab fled to the tabernacle (the temple not yet being built) of the LORD and took hold of the horns of the altar. When King Solomon was informed that Joab had fled to the tabernacle of the LORD and was there at the altar, Solomon sent Benaiah the son of Jehoiada, saying, “Go, strike him down.”

1 (Berkeley Version).

Then what the Bible records in Joshua 20:3-6 may be appropriately quoted. It reads thus:

3. Then the slayer that killeth any person unawares and unwittingly may flee thither: and they shall be your refuge from the avenger of blood.

4. And when he that doth flee unto one of those cities shall stand at the entering of the gate of the city, and shall declare his cause in the ears of the elders of that city, they shall take him into the city unto them, and give him a place that he may dwell among them.

5. And if the avenger of blood pursue after him, then they shall not deliver the slayer up into his hand; because he smote his neighbour unwittingly, and hated him not before time.

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1 1 Kings 2:28-29
6. And he shall dwell in that city, until he stand before the congregation for judgment, and until the death of the high priest that shall be in those days: then shall the slayer return, and come unto his own city, and unto his own house, unto the city from whence he fled.

Connected biblical text references on ‘cities of refuge’ and ‘law of involuntary murder’ are extracted infra:

Numbers 35:11, 22-28. Then ye shall appoint you cities to be cities of refuge for you; that the slayer may flee thither, which killeth any person at unawares.

22. But if he thrust him suddenly without enmity, or have cast upon him anything without laying of wait,

23. Or with any stone, wherewith a man may die, seeing him not, and cast it upon him, that he die, and was not his enemy, neither sought his harm:

24. Then the congregation shall judge between the slayer and the revenger of blood according to these judgments:

25. And the congregation shall deliver the slayer out of the hand of the revenger of blood, and the congregation shall restore him to the city of his refuge, whither he was fled: and he shall abide in it unto the death of the high priest, which was anointed with the holy oil.

26. But if the slayer shall at any time come without the border of the city of his refuge, whither he was fled;
27. And the revenger of blood find him without the borders of the city of his refuge, and the revenger of blood kill the slayer; he shall not be guilty of blood:
28. Because he should have remained in the city of his refuge until the death of the high priest: but after the death of the high priest the slayer shall return into the land of his possession.”

The Interpreter’s Bible Vol. 2 offers illuminating exegesis on the law relating to MANSLAUGHTER and CITIES OF REFUGE.

**Cities of Refuge**

The right of asylum is a common institution in all times and places. Certainly from the time of Greeks and Romans, through the Middle Ages, among civilized and barbarous peoples alike, the custom is found. It survives still in certain traditions in Oxford and Cambridge, though asylum is not there offered for manslaughter but for minor offenses against discipline. At first it would seem that any shrine afforded sanctuary but later when worship was centralized under Josiah, some alternative provision had to be found for the local altars.

The Old Testament does not offer sanctuary to any killer, but only to him who takes life unknowingly, without intent. This lifts it out of the realm of taboo and magic and makes the provision moral and humane. The avenger (goēl) had several functions besides that of taking life for life. He could collect debts, contract a levirate marriage, and redeem a kinsman slave. The sanctuary given lasts until the killer comes up before (stands before) the congregation for judgment.

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1 Numbers 35:11, 22-28
3 Numbers 35:9-15
Manslaughter and Murder\textsuperscript{1}: Some general rules are given for distinguishing the murderer from the man guilty only of manslaughter. The use of any iron instrument involves murder, for its use could come only from murderous intent. Similarly the use of stone or of wooden weapons, by which a man may die (i.e., likely to cause death), convicts a man of murderous intent and releases him from sanctuary. In these cases the avenger puts the murderer to death.

Next come instructions concerning previous hatred or premeditation, both of which reveal murderous intent. If the murderous attack was made by stabbing from hatred, or from lying in wait for the victim, or out of enmity, then again murderous intent is proved, and the killer himself must die at the hands of the avenger. But if the killing is done without premeditation or by accident, then the slayer shall be protected from the avenger by being kept in the city of refuge, where he is free from all penalty, until the death of the high priest. The killer is thereafter at liberty to return home.

Legal Procedure and Warning\textsuperscript{2}: Certain provisions are made clarifying the legal procedure. The inadvertent killer is safe so long as he stays in the city of refuge, but outside it he is liable to be killed by the avenger. After the death of the high priest the crime is, as it were, expunged from the records, and the killer may return home as if it had not occurred. However proper witnesses not less than two were required before anyone is put to death for murder.

No ransom money may be paid for either a murderer or one guilty of manslaughter. The taking of life is so serious an offense that no one must be

\textsuperscript{1} Number 35:16-25
\textsuperscript{2} Numbers 35:26-34
allowed to escape the proper penalties for it. So far is the exegesis with reference to the Book of Numbers. Now it is for exposition\(^1\) on Cities of Refuge with reference to the Book of Joshua – offered by ‘The Interpreter’s Bible’. It runs thus:

**Cities of Refuge** – Here is an unfolding of the concept of justice tempered with mercy. In crime there are often extenuating circumstances which must be weighed if justice is to prevail.

The oldest law of crime and punishment in the Old Testament is found in Genesis 4:23-24. It is the song of Lamech: a kind of vendetta. It permits killing and destroying indiscriminately. Every man took the law into his own hands. Then comes the second step: Exodus 21:23-25. “Eye for eye, tooth for tooth”. The punishment shall be in proportion to the crime. Whatever wrong has been done shall in turn be done to the criminal. There is a third stage: Exodus 21:12-14. If unwittingly and without premeditation there is committed a homicide, the slayer may seek refuge in the sanctuary. Here is the fourth upward step. As the population increased, it was impractical for those who had unwittingly committed a crime to seek refuge in the sanctuaries. Often the distances were too great and the number of sanctuaries inadequate. Therefore as the nation settled down to a more stable existence, new methods were devised for dealing with crime and punishment. Throughout the land there were set up cities of refuge. Anyone who killed another without intent could immediately flee to the gate of one of these cities, where he was given a preliminary hearing by the elders. If it was reasonably established that he had committed the crime in a fit of passion, he would be

\(^1\) Joseph R. Sizoo, The Interpreter’s Bible – Vol. 2, Abingdon Press, New York (1952) 648 to 650
given the right of asylum. He resided in the city until he received a public hearing in the presence of the people. If it was found that the crime had been committed without premeditation — and hated him not beforetime — then the community would become responsible for him as long as he lived in the city. No one could harm him while he continued in residence there, until the high priest died, when he could return in safety to his own community and be restored as a free man. It is significant the six cities of refuge were levitical cities. For that reason they were already shrines.

**Mitigating Circumstances** — It was very early in the history of civilization that mankind became conscious of emotional instability. Human nature is a very delicate instrument which is easily disturbed and thrown out of focus. There is often a very narrow line between love and hate. Laughter and tears lie close together. Human nature at best is a very brittle thing. We never know when and where we will break under some strain or tension and thereby commit an act which will fill life with regret forever after. Crimes committed in a fit of passion, without premeditation, deserve special consideration, human nature being what it is. Israel through the long generations of trial and error worked out a special code for such crimes. That is the significance of these six cities of refuge.

All through the centuries mankind has thus recognized the existence of mitigating circumstances. Justice must not only be intelligent, but tempered with considerateness and mercy. One is well aware, of course, of the danger and peril of adopting this attitude. It may lead to a softness that imperils the whole structure of justice. But life is never simple. Emotional tensions and
instabilities are part of life and must be considered in any discussion of crime and punishment.

One recalls that incident in the life of Jesus when the Pharisees brought to him a woman taken in adultery. According to the law, she should be stoned. Seeking to trap him, they asked Jesus what should be done in this matter. His reply stands through the ages, “He that is without sin among you, let him first cast a stone at her”\(^1\). Or one hears that other sentence of his, “neither do I condemn thee: go and sin no more”\(^2\). We must be reminded: “Judge not [censoriously] that ye be not judged”\(^3\). Justice must always be tempered with mercy. The administration of justice is one of the most important and difficult functions of government.

**Restitution** – When a man has paid the penalty for his crime and has satisfied the demands of justice, he is entitled to be received again in his community as a full member. Very often we neither forgive nor forget. It is usually very hard for one “with a record” to return to a normal place in society. There is still more of the vengeful than of the redemptive motive in our attitude to the criminal. “If thou Lord shouldest mark iniquities, O Lord, who shall stand?”\(^4\)

Naves’ Topical Bible under the caption MANSLAUGHTER refers to Fratricide, Homicide, and Regicide. ‘Homicide’ has been dealt under the caption Murder supra. Fratricide is a crime of willful killing of one’s brother or sister. Regicide is a crime of killing a king. Under Fratricide\(^5\) Orville J. Nave enlists 5 cases as follows: Cain, Genesis 4:8. Abhimelech, Judges 9:5,

\(^1\) John 8:7  
\(^2\) John 8:11  
\(^3\) Matthew 7:1  
\(^4\) Psalms 130:3  
\(^5\) Orville J. Nave, Nave’s Topical Bible, Moody Press, Chicago (1974) 399, 1037

1. **Cain**

   **Genesis 4:8.** Eldest son of Adam and Eve “And Cain talked with Abel his brother: and it came to pass, when they were in the field, that Cain rose up against Abel his brother, and slew him.

2. **Abhimelech:** Seventh Judge.

   **Judges 9:5.** “And he (Abhimelech) went unto his father’s house at Ophrah, and slew his brethren the sons of Jerubbal, being threescore and ten persons, upon one stone: notwithstanding yet Jotham the youngest son of Jerubbaal was left; for he hid himself.

   Dake adds this: Slew all of the 70 sons except Jotham who escaped by hiding himself. Histories of all nations are full of such murders to secure wealth or earthly thrones.

3. **Absalom:** Third son of David.

   **2 Samuel 13:28, 29.** “Now Absalom had commanded his servants, saying, Mark ye now when Ammon’s heart is merry with wine, and when I say unto you, Smite Amnon; then kill him, fear not: have not I commanded you? Be courageous, and be valiant.

   **29.** And the servants of Absalom did unto Amnon as Absalom had commanded. Then all the King’s sons
arose, and every man got him up upon his mule, and fled.

Dake notes thus: This is proof of Absalom’s secret plot against Amnon, and against him only, not the rest of the King’s sons. Upon seeing Amnon slain before their eyes, the other sons of David thought they would be next in general massacre, so they fled on their mules to escape. All Absalom wanted though, was to kill the man who had sinned against his sister, and thus avenge her.


1 Kings 2:23-25. Then King Solomon sware by the LORD, saying, God do so to me, and more also, if Adonijah have not spoken this word against his own life.

24. Now therefore, as the LORD liveth, which hath established me, and set me on the throne of David my father, and who hath made me an house, as he promised, Adonijah shall be put to death this day.

25. And King Solomon sent by the hand of Benaiah the son of Jehoiada; and he fell upon him that he died.


2 Chronicles 21:4. “Now when Jehoram was risen up to the kingdom of his father, he strengthened himself, and
slew all his brethren with the sword, and divers also of the princes of Israel.

Dake notes: he strengthened himself by murder and ruthlessness instead of doing it the way his godly father had done, by the blessing of God. Such so called strengthening was really weakening himself and diminishing the blessing of God upon his kingdom, for he did not prosper by such crimes.


We may have a glimpse of these case details as the scriptures disclose:

1. Of Ehud: Second Judge

Judges 3:16-23. But Ehud made him a dagger which had two edges, of a cubit length (a dagger of a span long would be about 9 or 10 inches); and he did gird it under his raiment upon his right thigh.

17. And he brought the present unto Eglon King of Moab: and Eglon was a very fat man.

18. And when he had made an end to offer the present, he sent away the people that bear the present.
19. But he himself turned again from the quarries that were by Gilgal, and said, I have a secret errand unto thee, O King: who said, keep silence. And all that stood by him went out from him.

20. And Ehud came unto him; and he was sitting in a summer parlour, which he had for himself alone. And Ehud said, I have a message from God unto thee. And he arose out of his seat.

21. And Ehud put forth his left hand, and took the dagger from his right thigh, and thrust it into his belly.

22. And the haft also went in after the blade; and the fat closed upon the blade, so that he could not draw the dagger out of his belly; and the dirt came out.

23. The Ehud went forth through the porch, and shut the doors of the parlour upon him and locked them.

2. Of Saul: A Benjamite, the first King of Israel B.C. 1096-56.

2 Samuel 1:16. And David said unto him, Thy blood be upon thy head; for thy mouth hath testified against thee, saying, I have slain the LORD’s anointed.

The young man’s statement per se testifies against him. The young man is the son of a stranger, an Amalekite (V. 13). Dake’s notes clarify further. It is this: Regardless of whether the young man told the truth in everything, he at least testified that he had killed Saul; and on this basis David acted to execute him (V. 12-16). It could be that he mutilated Saul’s body or struck him with a sword to be sure that he was
dead, doing so in vengeance because of what Saul had done to his own people\(^1\). In either case he dishonored Saul in word or deed – the one who had the command of God to kill all Amalekites\(^2\). It is interesting to note that the crown which Saul had forfeited by failure to obey God regarding the Amalekites, was taken off by an Amalekite.\(^3\)

Here David took the view that if the Amalekite was bold enough to kill Saul, or bold enough to brag about it whether he did it or not, he was worthy of death; and so commanded one of his soldiers to kill him (V. 14-16). He did so, on the grounds of the young man’s own confession.\(^4\)

3. Of Ish-Bosheth: . A son of Saul, made King over Israel by Abner, but at last murdered in his bed. B.C. 1048

2 Samuel 4:5-8. And the sons of Rimmon, the Beerothite, Rechab and Baanah, went, and came about the heat of the day to the house of Ish-bosheth, who lay on a bed at noon.

6. And they came thither into the midst of the house, as though they would have fetched wheat; and they smote him under the fifth rib: and Rechab and Baanah his brother escaped.

7. For when they came into the house, he lay on his bed in his bedchamber, and they smote him, and slew him,

\(^1\) 1 Samuel 15
\(^2\) 1 Samuel 15:3
\(^3\) Finis Jennings Dake, Dake’s Annotated Reference Bible, Standard Size Edition (1994) 331
\(^4\) Finis Jennings Dake, Dake’s Annotated Reference Bible, Standard Size Edition (1994) 331
and took his head, and got them away through the plain all night.

8. And they brought the head of Ish-bosheth the son of Saul thine enemy, which sought thy life; and the LORD hath avenged my Lord the king this day of Saul, and of his seed.


1 Kings 15:27-29. And Baasha the son of Ahijah, of the house of Issachar, conspired against him; and Baasha smote him at Gibbethon, which belonged to the Philistines; for Nadab and all Israel laid siege to Gibbethon.

28. Even in the third year of Asa King of Judah did Baasha slay him, and reigned in his stead.

29. And it came to pass, when he reigned, that he smote all the house of Jeroboam; he left not to Jeroboam any that breathed, until he had destroyed him, according unto the saying of the LORD, which he spake by his servant Ahijah the Shilomite.

5. Of Elah: Son and successor of Baasha King of Israel. He reigned little more than a year, being killed (while drunk) by Zimri while his army was absent at the siege of Gibbethon. B.C. 930.

1 Kings 16:9-11. And his servant Zimri, captain of half his chariots, conspired against him, as he was in
Tirzah, drinking himself drunk in the house of Arza steward of his house in Tirzah.

10. And Zimri went in and smote him, and killed him, in the twenty and seventh year of Asa king of Judah, and reigned in his stead.

11. And it came to pass, when he began to reign, as soon as he sat on his throne, that he slew all the house of Baasha: he left him not one that pisseth against a wall, neither of his kinsfolks, nor of his friends.

6. Of Joram: A son of Ahab; called also Jehoram. B.C. 896-884

2 Kings 9:24. “And Jehu (the son or grandson of Nimshi. He was anointed by Elijah as king in the room of Ahab. B.C. 884-856) drew a bow with his full strength, and smote Jehoram between his arms, and the arrow went out at his heart, and he sunk down in his chariot.

7. Of Ahaziah: A son of Jehoram (or Joram), who succeeded as fifth king of Judah. He is also called Jehoahaz and Azariah, and reigned only one year (884 B.C.)

2 Kings 9:27. But when Ahaziah the King of Judah saw this, he fled by the way of the garden house. And Jehu followed after him, and said, Smite him also in the chariot. And they did so at the going up to Gur, which is by Ibleam. And he fled to Megiddo, and died there.

2 Kings 12:20, 21. “And his servants arose, and made a conspiracy, and slew Joash in the house of Millo, which goeth down to Silla."

21. “For Jozachar the son of Shimeath, and Jehozabad the son of Shomer, his servants, smote him, and he died; and they buried him with his fathers in the city of David: and Amaziah his son reigned in his stead.”

Finis Jennings Dake adds: One of 12 kings of Israel assassinated by their subjects. Jehoash, King of Judah, began reigning as a boy 7 years of age. He remained godly doing the right thing before Jehovah until the death of his uncle and teacher, Jehoiada, the high priest. Then he went into sin and rebellion.¹

9. Of Amaziah: Son of Joash, King of Judah, who succeeded after the slaughter of his father, B.C. 839.

2 Kings 14:19, 20. “Now they made a conspiracy against him in Jerusalem: and he fled to Lachish; but they sent after him to Lachish, and slew him there.”

20. “And they brought him on horses: and he was buried at Jerusalem with his fathers in the city of David.”


¹ Finis Jennings Dake, Dake’s Annotated Reference Bible, Standard Size Edition (1994) 403
2 Kings 15:10. “And Shallum the son of Jabesh conspired against him (Zachariah), and smote him before the people, and slew him, and reigned in his stead.”

11. **Of Shallum**: A son of Jabesh who slew Zechariah son of Jeroboam, and was himself slain by Menahem son of Gadi, after reigning one month. B.C. 772.

2 Kings 15:14. “For Menahem the son of Gadi went up from Tirzah and came to Samaria, and smote Shallum the son of Jabesh in Samaria, and slew him, and reigned in his stead.”

12. **Of Pekahiah**: Son of Menahem King of Israel, and slain by Pekah son of Remaliah, after reigning two years. B.C. 761.

2 Kings 15:25. “But Pekah the son of Remaliah, a captain of his (Pekahiah), and smote him in Samaria, in the palace of the King’s house, with Argob and Arieh, and with him fifty men of the Gileadites: and he killed him, and reigned in his room.”

13. **Of Pekah**: Son of Remaliah, and an officer of Pekahiah, against whom he conspired and reigned in his stead, and who was himself slain by Hoshea son of Elah. B.C. 759-731.

2 Kings 15:30. “And Hoshea the son of Elah made a conspiracy against Pekah the son of Remaliah, and smote him, and slew him, and reigned in his stead, in the twentieth year of Jotham the son of Uzziah.”
14. Of Sennacherib: An Assyrian King, B.C. 714-696, who invaded Judah in the days of Hezekiah, and whose army was destroyed in one night; he was slain by two of his sons in Nineveh in the temple of Nisroch.

Text References 2 Kings 19:36, 37=Isaiah 37:37, 38

2 Kings 19:36, 37. “So Sennacherib King of Assyria departed, and went and returned, and dwelt at Nineveh.

37. And it came to pass, as he was worshipping in the house of Nisroch his god, that Adrammelech and Sharezer his sons smote him with the sword: and they escaped into the land of Armenia. And Esarhaddon his son reigned in his stead.”

These two verses are repeated verbatim in Isaiah 37:37, 38.

3. Assault – Penalty

Black’s Law Dictionary defines Assault in these words: the threat or use of force on another that causes that person to have a reasonable apprehension of imminent harmful or offensive contact; the act of putting another person in reasonable fear or apprehension of an immediate battery by means of an act amounting to an attempt or threat to commit a battery. Hebrew root ‘tsur’ means ‘to press’. Greek root word ‘horme’ means ‘pressure’ or ‘an assault’. There is a good deal of material on legal thought concerning Assault in the pages of the Bible which is a collection of ancient documents. Before gathering material directly connecting the subject or through allusions the text

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1 Exodus 21:18-26; Exodus 21:19-27; Leviticus 24:19-20
references are set out hereunder adding comments of bible scholars, exegesis and exposition thereon.

Assault and Battery:


18. And if men strive together, and one smite another with a stone, or with his fist, and he die not, but keepeth his bed:

19. If he rise again, and walk abroad upon his staff, then shall he that smote him be quit: only he shall pay for the loss of his time, and shall cause him to be thoroughly healed.

Injuries to servants:

20. And if a man smite his servant, or his maid, with a rod, and he die under his hand; he shall be surely punished.

21. Notwithstanding, if he continue a day or two, he shall not be punished: for he is his money.

Injuries to pregnant women:

22. If men strive, and hurt a woman with child, so that her fruit depart from her, and yet no mischief follows: he shall be surely punished, according as the woman’s husband will lay upon him; and he shall pay as the judges determine.

23. And if any mischief follow, then thou shalt give life for life,
24. Eye for eye, tooth or tooth, hand for hand, foot for foot,

Injuries to servants:
26. And if a man smite the eye of his servant, or the eye of his maid, that it perish; he shall let him go free for his eye's sake.
27. And if he smite out his manservant’s tooth, or his maidservant’s tooth; he shall let him go free for his tooth’s sake.

Penal legislation is reiterated in Leviticus 24:19, 20
19. And if a man causes a blemish in his neighbour; as he hath done, so shall it be done to him;
20. Breach for breach, eye for eye, and tooth for tooth: as he hath caused a blemish in a man, so shall it be done to him again.

Dake adds these scholarly notes: Referring to the expression – ‘if men strive together’ – occurring in Exodus 21:18 he comments: If a man died in a fight the killer was to die, but if he was only hurt, the one who smote him was to stand all expenses of his healing including payment for his loss of time at work. And verses 20 and 21 contains the law dealing with the killing of a man or woman slave by a master.

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1 Finis Jennings Dake, Dake’s Annotated Reference Bible, Standard Size Edition (1994) 86
The law relating to injuries to a pregnant woman in Dake's words is this: If two men striving hurt a woman with child so that she lost her child in an untimely birth, the husband had the right to suggest a certain fine. If it was within reason the judges would sanction the fine and pass sentence accordingly. If the woman died the person responsible had to pay the death penalty.

Dake calls the penal law of 'eye for eye' as the 'program of life for life.' It not only reduced the need for jails but reduced crime to a minimum. If such laws of God were enforced today crime would be diminished greatly and fast. But as long as there is no real fear of punishment crime rates will be increased. The law relating to injuries to servants made the unmerciful slave holder more humane, and fearful lest he lose valuable slave help in his business. Slaves injured as stated, were thus free to return to their former homes or even leave the country if they so desired.

The Interpreter's Bible offers scholarly exegesis and illuminating exposition connected to the text references from the Books of Exodus and Leviticus. The title the exegesis gives is –

**Non capital Crimes**¹ (Exodus 21:18-27): The one who injures another in a quarrel must compensate the injured man for his loss of time and also have him thoroughly healed, i.e., pay his medical expenses. The question of whether the blow was delivered with the intention to kill is not raised. In the ancient Babylonian code the victim had to take an oath that he did not strike with intent to kill and pay the physician’s fee (code of Hammurabi 206), a fee which was stipulated by state of law and varied accordingly to the social

class of the patient. Should the patient die a fine would also be imposed. The Hittite Laws assign medical costs to the assailant and in addition put levies upon him to compensate for time lost and for pain endured.

The laws governing the corporal injuring of slaves show the effect of resting on two irreconcilable postulates, i.e., that the slave is a human being, and that he is another man’s property. If a master strikes a slave so that the latter dies under his hand, he must be punished for destroying a human life, probably by paying a fine. If however, the slave survives a day or two and then dies, there is no punishment. The loss of property by death is equal to the fine to fit the crime.

Destroying a slave’s eye or breaking his teeth also constitutes an injury that draws a fine equal to the slave’s value. Hence, the slave is set free. In Babylonia if a third party struck a slave, causing similar injuries, a fine was paid to the owner of the slave (code of Hammurabi 199).

The men fighting might presumably hurt a woman with child while she was making an effort to separate them. If the woman does not lose her life as a result of the miscarriage there shall be a fine to compensate for the loss of the unborn child. The amount of the fine is set by the husband. As the judges determine judgment shall be rendered. But it does not seem meaningless to read the text as it stands and think of the judges as passing on the fairness of the demand made by the husband.

The classic statement of the lex talionis repeated in Leviticus 24:19-20 and Deuteronomy 19:21, is presented as the continuation of the case of miscarriage through injury by means of the phrase if any harm follows.

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1 Deuteronomy 25:11
Beer, however thinks it should follow Verses 18-19 on the ground that, while the former makes provisions for atonement for temporary damages, this statement relates to permanent injuries that cannot be healed except by retaliation. That the wicked must suffer for his deeds is the assumption underlying the law. The principle is widely held in ancient society, notably in the Code of Hammurabi.

Correspondingly exposition on the verses from the book of Exodus with headings runs as follows:¹

**Payment for the loss of time** – The just and merciful arrangement of payment for doctor and loss of time (Hammurabi also includes doctor’s fee) is the beginning of a long social development leading ultimately to insurance societies, workmen’s compensation acts, and compulsory insurance regulations. Cain² asked the question – ‘Am I my brother’s keeper?’ – which started it all, and society is not yet sure of the scope of the real answer.

**Ancient severity and gradual Humaneness** – In respect of striking there was a great difference between the status of the freeman and the slave. But verses 20-21 and 26-27 must be read with the understanding that they were mitigations of the more primitive customs which gave the master absolute power of life and death over his slaves. They probably went as far as public opinion at that time would stand; more merciful laws would not have been obeyed, as they would have been thought to undermine the master’s power too radically. The rod was believed in those times to be necessary to enforce discipline and obedience³. If the slave dies as he is being flogged the master must be punished, but not by death, as no master could deliberately

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¹ J. Edgar Park, The Interpreter’s Bible Vol. 1, Abingdon Press, New York (1952) 998 to 1000
² Genesis 4:9
³ Proverbs 10:13; 13:24
plan to destroy his own property; in fact, if the slave did not actually die in the
flogging but survived for a day or so, then the loss of his slave was deemed
sufficient punishment for the master. If bodily injury resulted, the loss of an
eye or a tooth, then the principle of tit for tat (verses 23-25) did not apply as
he was only a slave; but instead, the slave should receive his freedom (verses
26-27). These laws were more humane than even those of Hammurabi.

**Eye for eye, tooth for tooth** – This *lex talionis* is inserted as a
quotation from still more ancient codifications of the laws of the people. It was
a universal principle with all the nations bordering on the Mediterranean Sea,
and represents a step toward the humanizing of acts of revenge, limiting them
to tit for tat, no more. It is curious that the principle that the bad must be
punished for his badness is much older than the idea that the good must be
rewarded for his goodness. This is perhaps due to an early conviction that
badness is abnormal, that goodness is just normality and takes care of itself.¹

As regards the text references quoted from the book of Leviticus, The
Interpreter’s Bible offers the following exegesis and exposition.

**Exegesis²**: It has often been pointed out that in this passage we have a
limitation of the right of retaliation – not more than an eye for an eye, a tooth
for a tooth. It has even been argued that what is intended and permitted here
is no more than “full and just indemnity”. If these verses fall far short of the
precepts of the Sermon on the Mount, they show a great advance on the Song
of Lamech³. It may be noted that in these verses there is no reference to any
adding of “a fifth”, or the like, by way of compensation as in 5:14-6:7.

¹ Leuiticus 24:19 ff; Deuteronomy 19:21; Matthew 5:38ff
³ Genesis 4:23-24
Exposition: The lex talionis – At the other extreme from the Song of Lamech stands the saying of the Lord, “I say not unto thee, Until seven times, but, Until seventy times seven.” The law of retaliation in Leviticus is transcended, even abolished in the New Testament, but, it would be a to say that in the Old Testament we have justice, in the New Testament love. Justice and love are not to be contrasted in that way. It is just (as well as loving) to treat a man according to his need. Justice is a principle of action, love an emotion of the heart. There can be justice without love, but not love with justice.

ORVILLE J. NAVE’S TOPICAL BIBLE enlists the following direct and indirect references concerning the laws on Assault and Battery other than the text references quoted supra:

Exodus 21:15. And he that smiteth his father, or his mother, shall be surely put to death.

Deuteronomy 17:8. If there arise a matter too hard for thee in judgment, between blood an blood, between plea and plea, and between stroke and stroke, being matters of controversy within thy gates: then shalt thou arise, and get thee up into the place which the LORD thy God shall choose;

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1 Nathaniel Micklem, The Interpreter’s Bible Vol. 2, Abingdon Press, New York (1952) 119, 120
2 Genesis 4:23-24
3 Matthew 18:22
4 Cf. Matthew 5:38-39
5 Orville J. Nave, Nave’s Topical Bible, Moody Press, Chicago (1974) 75
9. And thou shalt come unto the priests the Levites, and unto the judge that shall be in those days, and enquire; and they shall shew thee the sentence of judgment:

10. And thou shalt do according to the sentence, which they of that place which the LORD shall choose shall shew thee; and thou shalt observe to do according to all and they inform thee:

11. According to the sentence of the law which they shall teach thee, and according to the judgment which they shall tell thee, thou shalt do: thou shalt not decline from the sentence which they shall shew thee, to the right hand, nor to the left.

12. And the man that will do presumptuously, and will not hearken unto the priest that standeth to minister there before the LORD thy God, or unto the judge, even that man shall die: and thou shalt put away the evil from Israel.

Matthew 5:38. Ye have heard that it hath been said, An eye for an eye, and a tooth for a tooth:

39. But I say unto you, that ye resist not evil: but whosoever shall smite thee on thy right cheek, turn to him the other also.
The smiting of Jesus

Matthew 26:67: Then did they spit in his face, and buffeted him; and others smote him with the palms of their hands.


John 19:3: And said, Hail, King of the Jews! and they smote him with their hands.

Mark 14:65: And some began to spit on him, and to cover his face, and to buffet him, and to say unto him, Prophecy: and the servants did strike him with the palms of their hands.

Apart from the above Dake in his ‘Complete concordance – Cyclopedic Index’ enlists 8 cases of ASSAULT. They are these:

1. Cain killing Abel
2. Lamech killing a young man
3. Jacob’s sons upon Joseph
4. Ehud killing Eglon
5. Jael killing Sisera
6. Amnon raping Tamar
7. Joab killing Abner

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2 Genesis 4:8
3 Genesis 4:23
4 Genesis 37
5 Judges 3:15-22
6 Judges 4:12
7 2 Samuel 13
8 2 Samuel 3:27-29
8. Jews killing Stephen

4. Kidnapping – Penalty

Black's Law Dictionary defines **Kidnapping** in these words: the crime of seizing and taking away a person by force or fraud. At common law, the crime of forcibly abducting a person from his or her own country and sending the person to another. This offense amounted to false imprisonment aggravated by moving the victim to another country.

Biblical text references are extracted hereunder:

**Exodus 21:16: Death for kidnapping** –

“And he that stealeth a man, and selleth him, or if he be found in his hand, he shall surely be put to death.”

**Deuteronomy 24:7: Death for Kidnapping** –

“If a man be found stealing any of his brethren of the children of Israel, and maketh merchandise of him, or selleth him; then that thief shall die; and thou shalt put evil away from among you.”

**Dake Notes**: The kidnapper who steals and sells one of his brethren shall be put to death, so that you may put evil away from among you.

**Peake's commentary (P-230)**: Kidnapping is limited to that of an Israelite. It is prohibited – judges it more severely than murder.

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1 Acts 7:54-60  
2 Exodus 21:16; Deuteronomy 24:7  
4 Finis Jennings Dake, Dake’s Annotated Reference Bible, Standard Edition (1994) 223  
Jerome's biblical commentary (P-59): “Kidnapping is punishable by death, but the Deuteronomic Code restricts this penalty to one who kidnaps and then sells a fellow Israelite².

The Interpreter's Dictionary of the Bible (P-740): “Crimes against person is kidnapping. Practiced chiefly for sale into slavery the stealing of an Israelite for sale, even if the victim is still in the possession of the kidnapper, is punishable by death.

Matthew Henry's Commentary in one volume (P-96): “Here is a law against non-stealing. He that steals a man (that is, a person, man, woman, or child), with design to sell him to the Gentiles (for no Israelite would buy him), was adjudged to death by this statute.”

On Deuteronomy 24:7 (P-195): “A law against man-stealing. It was not death by the law of Moses to steal cattle or goods; but to steal a child, or a weak and simple man, or one that a man had in his power, and to make merchandise of him, this was a capital crime. It was taking away a man’s liberty, the liberty of a freeborn Israelite, which was next in value to his life.

New Bible Commentary (P-223): “For the Semites, man-stealing was the occasion for a blood feud. The code of Hammurabi made it a capital offence.

The Interpreter's Bible Vol. 1 (P-998): “Manstealing and kidnapping, as well as the sale into slavery of those abducted, were

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2 Deuteronomy 24:7
4 Matthew Henry's Commentary in one volume, Zondervan (1961) 96
5 Matthew Henry's Commentary in one volume, Zondervan (1961) P-195
capital offenses. This was also true in ancient Babylonian Code which, however, concentrates on kidnapping (Code of Hammurabi 14). Deuteronomy 24:7 specifies that this penalty applies to the abduction of Israelites.” This is exegesis on Exodus 21:16. Exposition is as under.

**Kidnapping** – The modern counterpart of this verse is kidnapping and holding for a ransom; the inhumanity and cruelty of the crime seem almost to merit the severity of the punishment here prescribed. It is still today one of the most highly punishable felonies, and always raises terrific public resentment, as in the cases of Charley Ross in 1874 and Charles A. Lindbergh’s son in 1932.

**The Interpreter’s Bible Vol. 2 (P-475)** comments on Deuteronomy 24:7 – “A restating of the law in Exodus 21:16 capital punishment is the penalty for stealing and forcing a fellow Israelite into slavery: Treats him as a slave (RSV) or maketh merchandise of him (KJV). The Hebrew verb means to deal tyrannically or cruelly with person. Purge the evil: The regular formula in Deuteronomy after a penalty of death.”

5. **SLANDER**

   Black’s Law Dictionary defines SLANDER as “a defamatory assertion expressed in a transitory form, esp. speech.” Hebrew root lashan, to use the tongue to defame, abuse, scandalize, belittle, or blacken the character of another. **James A. Wharton**, Assistant Professor of Old Testament, Austin Presbyterian Theological Seminary contributed a short article entitled

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1. J. Coert Rylaardsdam and J. Edgar Park The Interpreter’s Bible Vol. 1 Abingdon Press, New York (1952) 998
3. Leviticus 19:16
SLANDER for the Interpreter’s Dictionary of the Bible. It is in a narrow capsule as follows:¹

In the Old Testament several Hebrew words are used for evil talk intended to damage or destroy a neighbour². The close relationship of slander to the Ninth Commandment is seen in Leviticus 19:16. Such ‘character assassination’ typically marks the man who has rejected God’s law and stands under judgment³. The tongue is regarded as an especially vicious instrument of evil⁴.

In the New Testament, “to speak evilly” of one’s neighbour⁵, includes not only untruthfulness, but perhaps primarily lovelessness. It is an identifying characteristic of the heathen world⁶, intolerable within the household of faith⁷.

The Revised Standard Version translates diabolos in its original meaning, “slanderer”, in 1 Timothy 3:11, Titus 2:3. Similarly, blasphemia is translated “slander” when verbal abuse of men is indicated⁸.

The Rev. R.E.C. Browne, Canon of Manchester also contributed an article entitled ‘slander’ for Dictionary of Christian Ethics edited by John Macquarie. It is short but scholarly. It is as follows⁹:

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²cf. 11 Samuel 16:1-4; 19:24-30; 1 Kings 21:8-14 for classical examples, though the word itself does not appear
³Psalms 50:20; 101:5; Jeremiah 6:28; 9:4; Ezekiel 22:9
⁴Psalms 57:4; Proverbs 17:4-11 [cf. Jas. 3:1-12]; Jeremiah 9:8
⁵1 Peters 2:1; 11 Corinthians 12:20
⁶Cf. 1 Peters 2:12; 3:16
⁷James 4:11-12
⁸Cf. the “catalogues of sin” in Matthew 15:19, Mark 7:21-22; Ephesians 4:31; Colossians 3:8-9; 1 Timothy 6:4-5
**Slander** is one of the sins of speech. It is not interested in speaking the truth but in damaging someone’s reputation in the most efficient way possible. The slanderer is bad but the state of envy, hatred and malice which prompts it is much worse. Hurtful though it is to be slandered, the slanderer does more harm to himself than to his victims. It is not easy to say which is more reprehensible – the slander coldly and deliberately spread to calculated advantage, or the one hastily made on the spur of the moment, for it can be spiritually as dangerous to sin without realizing it as to sin with knowledge of what you are doing. All who listen to slander or encourage it share the slanderer’s guilt. A person needs self-control to accept that he has been slandered without matching slander with slander.

In every generation, masters of the religious life stress the dangers of immoderate talking; they believe that in talking too much men are apt to lose control and say things they should not say. A dull silence is a more true expression of love than hastily used hurtful words.

Now it is the turn of the text reference on Slander. It is extracted down here:

**Leviticus 19:16:** Thou shalt not go up and down as a *talebearer* among thy people: neither shalt thou stand against the blood of thy neighbour: I am the LORD.

The Hebrew root word for the above underlined word ‘talebearer’ is ‘rachil’ which differently conveys twin meanings – ‘trader’ or ‘peddler’ also. It is used here to those who peddle scandal, obtaining the secrets of others and retailing them as gossip wherever they go. That apart, the expression – ‘thou stand against the blood’ underlined supra could only refer to being
responsible for his death by bearing false witness, or standing idly by while seeing a neighbour suffer wrong when it is known that he is innocent and something could be done about it.¹ Dake links up the above quoted verse to the Ninth Commandment of the Decalogue – ‘thou shalt not bear false witness’ – recorded in Exodus 20:16. King James version of this verse is: Thou shalt not bear false witness against thy neighbour. This prohibits false testimony in courts of justice, and lying about the acts, words, and property of a neighbour. Dake enlists what is known as **Lying Laws** (6 Commands) quoting the scripture. They are these²:

1. Do not bear false witness (Exodus 20:16) Deuteronomy 5:20 is the supporting verse – which is the law against perjury. It reads thus: “Neither shalt thou bear false witness against thy neighbour.”

2. Do not raise a false report or cooperate with the wicked as an unrighteous witness³

3. Do not lie one to another⁴

4. Do not go up and down as a talebearer among the people⁵

5. Death penalty to require 2 or 3 witnesses⁶. It is expedient to extract these verses.

**Deuteronomy 17:6-7:**

6. At the mouth of two witnesses, or three witnesses, shall he that is worthy of death be put to death; but at the mouth of one witness he shall not be put to death.

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¹ Finis Jennings Dake, Dake’s Annotated Reference Bible (Standard Size Edition, 1994), P-140
² Finis Jennings Dake, Dake’s Annotated Reference Bible (Standard Size Edition, 1994), P-114
³ Exodus 23:1-2, 6-7
⁴ Leviticus 19:11
⁵ Leviticus 19:16
⁶ Deuteronomy 17:6-7; 19-15
7. The hands of the witnesses shall be first upon him to put him to death, and afterward the hands of all the people. So thou shalt put the evil away from among you. (The underscored words emphasize the purpose of capital punishment which was to put away all evil and cause the people to fear and do no more sin).

6. A false witness to be put to death. The amplification of the law of witness and punishment for perjury in the original ancient document is illuminating.

Two or three witnesses required for conviction (Deuteronomy 19:15-21):

15. One witness shall not rise up against a man for any iniquity, or for any sin, in any sin that he sinneth: at the mouth of two witnesses, or at the mouth of three witnesses, shall the matter be established.

Death for perjury

16. If a false witness rise up against any man to testify against him that which is wrong;

17. Then both the men, between whom the controversy is, shall stand before the LORD, before the priests and the judges, which shall be in those days;

18. And the judges shall make diligent inquisition: and, behold, if the witness be a false witness, and hath testified falsely against him brother;

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1 Deuteronomy 19:15-21
19. Then shall ye do unto him, as he had thought to have done unto his brother: so shalt thou put the evil away from among you.

20. And those which remain shall hear, and fear, and shall henceforth commit no more any such evil among you.

21. And thine ye shall not pity; but life shall go for life, eye for eye, tooth for tooth, hand for hand, and foot for foot.

On a synoptic reading of the verses extracted supra would emerge –

**Five Commands – bearing false witness**¹

1. One witness shall not rise up against a man to condemn him for any crime. At the mouth of 2 or 3 witnesses shall a matter be established (V 15)

2. If a false witness rises up against a man to testify against him, then both men shall be brought before the Lord and before the priests and judges to settle the controversy (V 16-17)

3. The judges shall cross examine both men and if the witness is found to be false, and has sought to injure his neighbour, he shall be punished in the same way that he thought to punish his neighbour (V 18-19)

4. Those that remain shall hear of the just judgment, and shall fear, and refrain from such wickedness (V 20)

5. Your eye shall not pity the false witness who had no pity for his neighbour, but you shall mete out to him the punishment his neighbour would have received had he been convicted – life for life, eye for eye, tooth for toot, hand for hand and foot for foot (V 21)

¹ Finis Jennings Dake, Dake’s Annotated Reference Bible (Standard Size Edition, 1994), P-219
The psalmist of Israel, King David in Psalm 101:5 succinctly condemns slander in these words:

“Whose privily slandereth his neighbour, him will I cut off: him that hath an high look and a proud heart will not I suffer.”

Commands against Slander are found in Exodus 23:1; Deuteronomy 22:13-18; Joshua 4:11; 1 Peter 2:1. Here is an extract of these text references and comments thereon:

A. Exodus 23:1 – Thou shalt not raise a false report: put not thine hand with the wicked to be an unrighteous witness.

Finis Jennings Dake at page 88 of his Annotated Reference Bible enlists these Five Commands Concerning Justice¹

1. Do not invent a false report against your neighbour (Verse 1)
2. Do not join the wicked to be a false witness (Verse 1). Let evil die alone.
3. Do not follow a multitude to do evil, or think the majority to be always right (Verse 2). Do right if you have to stand alone.
4. Do not join any cause or follow any multitude in wrestling justice from anyone.
5. Do not take up the cause of a poor man through sympathy if he is wrong (Verse 3). When justice is at stake, neither wealth nor poverty must be favored. Strict and impartial justice must be given.

¹ Finis Jennings Dake, Dake’s Annotated Reference Bible (Standard Size Edition, 1994), P-88
B. Deuteronomy 22: 13-18 – (Law of protecting an innocent wife)

13. If a man take a wife, and go in unto her, and hate her,
14. And give occasions of speech against her, and bring up an evil name upon her, and say, I took this woman, and when I came to her, I found her not a maid:
15. Then shall the father of the damsel, and her mother, take and bring forth the tokens of the damsel’s virginity unto the elders of the city in the gate:

Dake enlists 4 Commands in respect of Innocent Wife. They are these:

1. If a man marries a virgin and goes in unto her and hates her, and slanders her, seeking to get a divorce upon false grounds saying she was not a virgin; then the father and mother of the woman shall bring the proof of her virginity to the elders of the city (V. 14-15).
2. The parents shall state the true facts to the elders and prove that she was a virgin and that her husband is slandering a daughter in Israel for selfish reasons (V 16-17)
3. The elders of the city shall take the man and chastise him, fine him 100 shekels of silver ($64.00) and give them to the father of the woman (V. 18-19)
4. She shall continue to be his wife; he shall not put her away all the days of his life.

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1 Finis Jennings Dake, Dake’s Annotated Reference Bible (Standard Size Edition, 1994), P-221
16. And the damsel’s father shall say unto the elders, I gave my daughter unto this man to wife, and he hateth her;

17. And, lo, he hath given occasions of speech against her, saying, I found not thy daughter a maid; and yet these are the tokens of my daughter’s virginity. And they shall spread the cloth before the elder’s of the city.

18. And the elders of that city shall take that man and chastise him

Dake’s Comments further to the earlier are these¹: It was the custom for parents to keep the token of virginity so that they would have proof should it be needed. After having relationship with the bride a man could turn against her as in the case of Amnon²; he could wish to get rid of her through lust for someone else whom he had desired while waiting for the marriage to be consummated, or he might want a return of the dowry which he had given for the girl. He might claim that she was not a virgin and thus slander her before all the people. The parents could then take the bed-clothes of her wedding night, upon which were the signs of virginity and bring them before the elders of the city, spread them out and make their plea regarding this as proof of their daughter’s virginity. It was customary in Egypt and Syria to take possession of the spotted bed-clothes directly after the marriage night. Keeping them was important in Israel, for it could mean the difference between life and death of the virgin (V 13-21). To this is added –

¹ Finis Jennings Dake, Dake’s Annotated Reference Bible (Standard Size Edition, 1994), P-221
² 2 Samuel 13:15
Threefold Punishment of a Husband Slanderer

1. Public whipping (V 18)

2. Fine of 100 shekels ($64.00), or twice as much as the fine for rape of an unbetrothed virgin as in V 28–29.

3. Being deprived of any future divorce from the hated wife.

C. James 4:11 — “Speak not evil one of another, brethren. He that speaketh evil of his brother, and judgeth his brother, speaketh evil of the law: but if thou judge the law, thou art not doer of the law, but a judge.”

Greek Katalaleo, to speak against; backbite; rail at; slander (V. 11; 1 Peter 2:12; 3:16). This refers to slandering among the different factions of Jews and the Jews against their brethren who had accepted Christ.¹

D. 1 Peter 2:1 —

“Wherefore laying aside all malice, and all guile, and hypocrisies, and envies, and all evil speakings,”

This verse is unequivocal and no explanation is warranted.

3 causes of Slander:

1. Evil Heart²

2. Hatred³

3. Idleness⁴

7 Classes who slander:

1. The wicked¹

¹ Finis Jennings Dake, Dake’s Annotated Reference Bible (Standard Size Edition, 1994), P-262 (NT)
² Luke 6:45
³ Psalms 109:3
⁴ 1 Timothy 5:13
2. Hypocrites
3. Satanic powers
4. Deceivers
5. Fools
6. Backsliders
7. Homosexuals

6 Results of Slander:
1. Friends separated
2. Deadly wounds caused
3. Strife
4. Discord among brethren
5. Anger
6. Murder

6 Examples of Slander:
1. Potiphar’s wife
2. Ziba
3. David’s enemies
4. Jezebel

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1 Psalms 50:16-20
2 Proverbs 11:9
3 Revelations 12:10
4 Psalms 52:4
5 Proverbs 10:18
6 Romans 1:29-32
7 2 Peter 2:10
8 Proverbs 16:28; 17:9
9 Proverbs 18:8; 26:22
10 Proverbs 26:20
11 Proverbs 6:19
12 Proverbs 25:23
13 Psalms 31:13; Ezekiel 22:9
14 Genesis 39:14-18
15 2 Samuel 16:3; 19:24-30
16 Psalms 31:13; 35:21
5. Jeremiah’s enemies

6. Jesus’ enemies

Punishment of Slander: Text references are Psalms 101:5; Romans 1:29-32; Revelation 21:8. They are extracted for clarity.

Psalms 101:5 – Already quoted supra – repetition is avoided.

Romans 1:29-32. “Being filled with all unrighteousness, fornication, wickedness, covetousness, maliciousness; full of envy, murder, debate, deceit, malignity; whisperers,

30. Backbiters, haters of God, despiteful, proud, boasters, inventors of evil things, disobedient to parents,

31. Without understanding, covenant breakers, without natural affection, implacable, unmerciful:

32. Who knowing the judgment of God, that they which commit such things are worthy of death, not only do the same, but have pleasure in them that do them.”

‘Whisperers’ of verse 29 underscored supra are the slanderers – are worthy of death.

Dake refers to the Greek word ‘psithuristes’, which stands for calumniators; secret detractors; those who pretend secrecy, and carry out

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1 Kings 21:9-14
2 Jeremiah 18:18
3 Matthew 11:19
accusations against men, whether true or false; blasting their reputation by clandestine gossip.¹

**Revelation 21:8** –

But the fearful, and unbelieving, and the abominable, and murderers, and whoremongers, and sorcerers, and idolaters, and all liars, shall have their part in the lake which burneth with fire and brimstone: which is the second death.

This drives the last nail into the coffin.

From modern point crimes against persons are as follows:

**Murder:** The hallmark of murder is malice; without malice there is no murder. But some murders seem more heinous than other. Murder in the first degree is either an intended killing that was premeditated and deliberate – a murder planned for its own sake – or a so-called felony-murder. A felony-murder is one committed during the perpetration of a felony or serious offense, such as arson, rape, robbery or burglary, or as the consequence of a “depraved act,” such as detonating a bomb in a public place.²

**Murder in the second degree** is a killing also motivated by malice but in which the intent to kill did not exist until just before the killing itself and for which there was no real justification. Suppose a married man falls in love with a blonde beauty and asks his wife for a divorce; she refuses, and he kills her in a rage. He is guilty of murder in the second degree. Another closely related word³ is **homicide**.

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Our society regards the killing of one human being by another as the most serious of all crimes. In America, in the great majority of states, the killing of an **unborn child** is not a criminal offense. Nor are actions which result in death long after the event. An old rule, that death a year and a day beyond the act said to have caused it was not homicide, has been questioned. But a man who dies of a cerebral hemorrhage five years after he was hit on the head would almost surely not be regarded as a homicide victim, even if the autopsy showed that the blow may well have been the remote cause of his death.\(^1\)

The major categories of homicide are (1) **criminal homicide**, which is either murder or manslaughter, (2) **negligent homicide** and (3) **innocent homicide**, which is either justifiable homicide or excusable homicide. Another kindred word is **abortion**.

Abortion is the intentional destruction or deliberate premature bringing forth of a human fetus in such a way that it is bound to die. Until very recently abortion was permitted by state laws only in very limited circumstances, as for example to protect the life of the mother. An abortion performed without such legal justification\(^2\) is called **criminal abortion**, and is a felony.

In recent years, however, more and more legal thinkers, doctors and sociologists have adopted the position that a woman has the right to decide whether she should bear a child, and that if she unintentionally becomes pregnant she has the right to an abortion. This theory has been reflected in the widespread liberalization of state abortion laws, and in 1973 the Supreme

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\(^1\) Reader's Digest – You and the Law – A Practical Guide to Everyday Law (1973) 152

\(^2\) Reader’s Digest – You and the Law – A Practical Guide to Everyday Law (1973) 152
Court in an historic decision overruled all state laws that prohibit or restrict a woman’s right to an abortion during her first three months of pregnancy. The key points in the Court’s decision were (1) during the first three months of pregnancy a woman and her doctor have the right to decide whether or not she is to have an abortion; the state may not interfere; (2) during the next six months the state may legally regulate the abortion procedure, by licensing the persons and facilities involved, for example; (3) any state may prohibit abortion during the last 10 weeks of pregnancy unless it is necessary to save the life of the mother. Despite the Court’s ruling, however, strong opposition to abortion exists in many parts of society, and the speed with which state laws will be brought into conformity with the ruling is open to question. This is in the context of America.¹

In Indian context, sections 300 and 302 of the Indian Penal Code are important.

**1. Murder:** Culpable homicide is murder, if the act by which the death is caused is done:

**Firstly** – With the intention of causing death; or

**Secondly** – If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused; or

**Thirdly** – If it is done with the intention of causing bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death; or

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¹ Reader’s Digest – You and the Law – A Practical Guide to Everyday Law (1973) 150, 151, 153
Fourthly – If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.¹

302. Punishment for Murder – Whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine.

2. Manslaughter²: Just as there are two categories of murder, so there are two categories of manslaughter. **Voluntary manslaughter** is a killing in which there was no intent until just before the act, which was not motivated by malice and for which there was some provocation – as when, having been violently assaulted, you respond violently and kill your attacker. Killing a person while resisting his attempt to arrest unlawfully would be voluntary manslaughter, as would the killing of a wife in the classic situation of a man unexpectedly returning home from a trip and catching her in the act of adultery.

**Involuntary manslaughter** is a killing in which there no malice but which might have been avoided. The offense is committed most often during the perpetration of a misdemeanor. It is a lesser offense because the original offense was lesser. Felony-murder, is a killing that takes place during the commission of an offense that is a felony. The rapist whose victim dies as a result of the rape or because of his violence in raping her is guilty of a felony-murder. But suppose a man picks a fight knocks his opponent down so hard that he hits his head on the pavement and dies. In picking the fight in the first

² Reader’s Digest – You and the Law – A Practical Guide to Everyday Law (1973) 151, 152
place the man committed an offense that is only a misdemeanor. Chances are he would be charged only with involuntary manslaughter because of the resulting unplanned but clearly avoidable death.

**Negligent homicide**, or automobile homicide, as it is increasingly called, is a killing resulting from the negligent operation of a passenger vehicle, especially an automobile. If in careless or negligent driving a man kills a pedestrian, the driver of another car or a passenger in his own car, the offense is negligent homicide. In most states it is only a misdemeanor. The driver may, however, be vulnerable to a civil suit for wrongful death brought by the widow or the family of the man he has killed. Gross and wanton negligence that results in death is a more serious matter and is usually considered a crime.

**Justifiable homicide** is not a crime either. It is a killing that takes place under lawful orders, so to speak: killing of an enemy in war time. Killing of a condemned criminal by a hangman or an executioner. A police officer, or a citizen ordered by him to help catch a suspected criminal, commits no crime if he kills the criminal to prevent escape. Nor do you commit a crime if you shoot and kill the robber who breaks into your home and refuses to leave on your command. But often the circumstances surrounding this kind of killing are not clear-cut, and reasonable restraint in the use of force is essential in all situations. A home owner who shoots and kills a suspected prowler outside his house at night may find himself open to criminal charges if the victim turns out to be a delivery boy or a neighboring youngster taking a shortcut home. The courts do not encourage the use of deadly force.

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1 Reader’s Digest – You and the Law – A Practical Guide to Everyday Law (1973) 153, 156
3. Assault and Battery^1: An assault is an open threat of bodily contact with someone; the actual contact is a battery. Assault and battery are both torts and crimes, which means that the victim has a right to sue his assailant and that the state may also bring an action for the offenses, which are felonies or misdemeanors depending on the laws of individual states. A battery necessarily includes an assault.

Aggravated assault is assault with intent to murder, rob, rape or do serious bodily harm. For example, the man who knocks you down in a fight over who was the greatest baseball player of all time has committed a simple assault and battery. But he man who knocks you down in a fight while trying to snatch your watch is guilty of assault with intent to steal or rob – an aggravated assault, which is generally a felony.

4. Kidnapping^2: The act of abducting or stealing away a man, woman or child through force or fraud and detaining him against his will. It is one of the gravest of offenses in several states (the U.S.) is a capital crime – that is, one punishable by death.

After the famous kidnapping and murder of the Lindbergh baby in the 1930s, kidnapping was made a federal crime. Federal agents may now enter a kidnapping case after seven days even if it cannot be proved that a state line has been crossed. Any abduction of a person may be regarded as kidnapping, even though no ransom is demanded for his return. This is from American standpoint.

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At early common law, kidnapping required a forcible asportation of the victim to another country. Under modern statutes, the asportation need not be this extensive.¹

5. **Slander:** Slander interferes with one’s reputation. As important as any freedom to which one is entitled is freedom from unwarranted, untruthful attacks on his character. This kind of attack, if made in the presence of other people, constitutes defamation, for which he is entitled to nominal or punitive damages, as the case may be. If you are defamed orally, you have been slandered. If the defamation is in writing and shown to or seen by someone else, you have been libeled. Slander is the less serious of the two torts because it is fleeting. The spoken words of defamation exist only as they are uttered and then disappear forever. Libel is permanent as long as the letter, magazine article or book in which the words appear continues to exist, and the damages awarded are therefore usually larger. Generally speaking, defamatory statements made over radio and televisions are now considered libelous rather than slanderous.²

You can recover damages for slander or libel without proving actual financial loss if you are accused of something as serious as having committed a crime or having a “loathsome” disease (such as syphilis) or if you are accused of being a butcher if you are a surgeon or a shyster if you are lawyer. The reason is that if your good reputation is essential to your ability to make a living, the law assumes that such accusations will diminish that ability and

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¹ Arnold H. Loewy, Criminal Law in a Nutshell 64 (2nd Edition. 1987)
will therefore damage you. Lawyers call this kind of attack slander or libel *per se.*

In order to entitle one to recover damages both libel and slander must be “published” – that is, communicated to others. If your neighbour calls you a thief over the backyard fence, with no one else present to hear him, he has not slandered you. Nor has he libeled you just by writing a letter charging you with bigamy: his letter to you must be read by someone else.

Of course the attacks, written or oral, must be untrue to constitute libel or slander. Truth is almost always a perfect defense in an action for either tort. Freedom of speech is one of the most cherished rights. It wouldn’t amount to much if we were not free to say things about others that we know to be true. The only exception to this – and it is a rare one – is when the statements were true but the sole motive in making them was to hurt you. The court might in this case hear a suit for the malicious use of true information. Spreading lies about others is different, however, especially when the lies may affect the ability of others to make a living or may hurt them in their family relationships.

You can go pretty far in expressing your opinion these days, but you risk a law suit if you go too far in commenting on your neighbour’s personal traits. An amusing example was provided by the drama critic Heywood Broun, who wrote such a savagely critical attack on an actor’s performance in a play that the actor sued Broun for libel. The lawsuit was still in the courts when the same actor appeared in another play. All concerned rushed to Brouns review

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1 Reader’s Digest – You and the Law – A Practical Guide to Everyday Law (1973) 92
2 Reader’s Digest – You and the Law – A Practical Guide to Everyday Law (1973) 93
to see what he had to say about the actor this time. The actor’s performance, Broun wrote simply, “was not up to his usual standard.”

Another defense, in actions for slander, is that the statement was privileged; that is, the person who made it had a special immunity from legal action. Legislators – such as United States congressmen and state senators and assemblymen – have absolute freedom of expression on the floor of the legislature. So if your congressmen makes a speech in the House of Representatives accusing you of having supported the Nazis in the World War II or of financing all Mafia activities in your state, all you can do is write him a letter or issue a statement to the press daring him to make the same charges off the floor of the House – when he won’t have his defense of privilege and you may sue him for slander. But don’t let your anger goad you into accusing him in public of being a liar and a cheat and a child beater, unless you can prove what you say, or you may find yourself being sued.

Similarly, judges while conducting their official duties are privileged to say whatever they want, whether in addressing witnesses, talking with counsel in court or charging the jury. Other public officials have more limited privilege.

In recent years another legal doctrine has grown up on connection with charges of slander and libel. This is the rule of fair comment, under which courts have held that public figures and elected and appointed officials must expect and accept a harsher degree of criticism about the conduct of their jobs than private persons. If a newspaper charged the state treasurer with incompetent handling of public funds, this criticism would probably fall under the fair comment rule, because the treasurer’s competence is a legitimate
subject of public interest. He could not recover damages in a libel suit against the paper. But if the same newspaper was to attack a privately owned firm of accountants as being slipshod in its work, the company would probably sue and recover successfully.¹

On a synoptic reading of the biblical laws relating to crimes against persons in juxtaposition with the modern legal views – following conclusions would emerge. As regards murder – killing in all forms is forbidden by the Sixth Commandment of the Decalogue. Whosoever sheds blood, his blood shall be shed. However killing of enemies in battle front, infliction of capital punishment on criminals – are not forbidden. Murder with malice aforethought is a capital offense. The murderer shall be put to death. No ransom for life is permitted. Murder is criminal homicide. However accidental killing is not regarded as criminal homicide. Cities of refuge are places for safety in respect of unintentional accidental killers. It is gratifying that modern laws have adopted the biblical raw prescribing death penalty against intentional and premeditated killing. However, killing of unborn child, abortion in the guise of protecting mother’s life on medical advice – is part of human laws not endorsed by divine law which directs filling and replenishing the earth. Indian Penal Code also inflicts death penalty or life imprisonment against the crime of killing when malice aforethought is identified.

Manslaughter is unlawful killing without malice aforethought. Accidental killer is allowed to flee to the city of refuge and dwell therein until the death of the high priest and thereafter he shall return to his land. Interestingly, fratricide and regicide with case instances are found in the

¹ Reader’s Digest – You and the Law – A Practical Guide to Everyday Law (1973) 93
Bible. In modern legal sense voluntary manslaughter is unintentional but an effect of provocation and assault. Involuntary manslaughter is an offense committed during the perpetration of a misdemeanor. Negligent homicide or automobile homicide is killing of pedestrian on account of careless driving. Justifiable homicide is killing under lawful orders e.g. wartime, hangman killing a criminal.

Assault biblically is a non-capital crime attracting compensation for loss of time and paying medical expenses to the injured. Instances of assault are recorded in the Bible. In modern legal sense assault with intention is a felony and without intention is a misdemeanor. Victim has a right to sue. The state may bring an action for offense.

Kidnapping biblically is stealing for selling. It is a mortal offence. In modern world kidnapping is widespread and demands for ransom are on the increase culminating in murder. Punishments vary ranging from inflicting fines to capital punishment.

Finally slander biblically is an offense of 9th Commandment of the Decalogue. It forms part of perjury for which death is the penalty. Public whippings, fine of 100 shekels, deprival of future divorce from the hated wife are the penalties against a husband for indulging in slander. In modern legal sense slander interferes with reputation. Defamatory statements are part of slander. Legislators are privileged against actions for slander in respect of statements on the floor of the legislature. The rule of fair comment is the development which attracts no action against the person or newspaper making comments. Modern legislation owes to biblical laws in respect of crimes against persons.